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**PocketSpec
Technologies**

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To: TECH CENTER
US Patent Office (F. L. Evans) **From:** Gregg Wagner

Fax: 703-872-9306 **Pages:** 3

Phone: 571-272-2414 **Date:** 3/19/2004

Re: Interview Request **CC:** [Click here and type name]

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Unofficial

Attached documents required for Examiner Interview with F.L. Evans on March 24, 2004 at 3:00PM EST with Gregg Wagner of PocketSpec Technologies.

PTOL-413A (08-03)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No. 09/BSA, 344 First Named Applicant: WAGNER
 Examiner: F.L. EVANS Art Unit: 2877 Status of Application: FINAL REJECTION

Tentative Participants:

(1) GREGG WAGNER (2) JANET BROPHY
 (3) JEFF KRUPKA (4) _____

Proposed Date of Interview: 24-MAR-2004 Proposed Time: 3:00 EST (AM/PM) (PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>"By Another"</u>	<u>1-20</u>	<u>6,157,454</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

SEE ATTACHED DOCUMENT

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

 (Applicant/Applicant's Representative Signature)

 (Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Serial No.: 09/854,344

Docket No.: 08039-00159

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

WAGNER, Gregg et al. :

Serial No. 09/854,344 :

Group Art Unit: 2877

Filed: May 11, 2001 :

Examiner: Fannie Evans

For: HANDHELD PORTABLE COLOR MEASURING DEVICE WITH DISPLAY

Discussions for Interview

1. Discuss eligibility for continued examination under 37 CFR 1.114
2. Discuss problems with Bob Stewart affidavit.
3. Discuss dropping Bob Stewart as an inventor per 37 CFR 1.48(b). After further review of the claims, a claim that specifically states the device is connected to a PDA does not exist. There is a disclosure per Figure 2 and explanation of Figure 2 stating the connection to a PDA, but there is no claim made. Claim 9 states "the device as described in claim 7 wherein said display means a personal computer electrically connected to the said microprocessor". If this creates an issue, the claim and any disclosure can be dropped from the application. It is my understanding that written consent of any assignee is not required for filing under this request. This should resolve the issue of "the rejections of claims 1-20 based upon Wagner et al (US 6,157,454) as set forth in the office action of May 23, 2003 because: The affidavit fails to show that the invention disclosed in the reference is not "by another".
4. Discuss other options if necessary.